

Fled by: Trial Section Merits Panel
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Paper No. 25
Entered: October 15, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KATO et al.
Junior Party
(Patent 6,538,926)¹

v.

LOFGREN et al.
Senior Party
(Application 10/809,061)²

Patent Interference No. 105,567
(Technology Center 2800)

Before LEE, TIERNEY, and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment -- Motions -- Bd. R. 127

¹ Based on Application 09/984,816, filed October 31, 2001. According to counsel for junior party, the real party in interest is Solid State Storage Solutions LLC (Paper 12). Accorded the benefit of Application 09/880,934, filed June 15, 2001; Application 09/630,426, filed August 1, 2000; Application 09/288,313, filed April 8, 1999; Application 09/124,794, filed July 30, 1998; Application 08/739,156, filed October 30, 1996; and Application 08/164,780, filed December 10, 1993.

² Filed March 24, 2004. Accorded the benefit of Application 10/785,373, filed February 23, 2004; Application 09/939,290, filed August 22, 2001; Application 09/657,369, filed September 8, 2000; Application 09/064,528, filed April 21, 1998; Application 08/931,193, filed September 16, 1997; Application 08/396,488, filed March 2, 1995; and Application 07/736,733, filed July 26, 1991. The real parties in interest are SanDisk Corporation and Western Digital Corporation (Paper 5).

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Junior party Kato did not intend to file any priority motion and was not authorized to file any other motion (Paper 23). Senior party Lofgren was authorized to file an amendment to all its involved claims changing each instance of “buffer memory” to “shift register” (Paper 23). The amendment has been received. Junior party Kato has not filed a request for rehearing of the order, dated September 12, 2007, not authorizing motions (Paper 23). Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 is herein entered against junior party Kato et al.;

FURTHER ORDERED that junior party Kato et al. is not entitled to a patent containing its patent claims 1, 8-12, and 14-18 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

/ss/ Jameson Lee)
JAMESON LEE)
Administrative Patent Judge)

/ss/ Michael P. Tierney) BOARD OF PATENT
MICHAEL P. TIERNEY) APPEALS AND
Administrative Patent Judge) INTERFERENCES

/ss/ James T. Moore)
JAMES T. MOORE)
Administrative Patent Judge)

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